REMARKS

INTRODUCTION

Claims 1-11 were previously pending and under consideration.

Claims 12-15 have been added.

Therefore, claims 1-15 are now pending and under consideration.

Claims 1-11 stand rejected.

Claims 1-11 have been amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance; and

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

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PRESENT INVENTION

An aspect of the present invention relates to a client-server system for enabling dynamic operation of a peripheral device such as a printer by a client through a server (e.g. a printserver). This may be accomplished by serving a command list of a printer to a client when the client operates the printer. The printserver, for example, for operating the peripheral or printer may also be the server that serves the command list to the client. As discussed below, the amended claims recite a "peripheral" or printer device. The X11 servers in Nakayama are not peripheral devices.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 3-5, claims 1-2 and 6-11 were rejected under 35 U.S.C. § 103 as being unpatentable over Nakayama. Claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over Nakayama in view of Miller. Claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over Nakayama in view of Miller and further in view of Worley. Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Nakayama in view of Worley.

These rejections are traversed and reconsideration and withdrawal of the rejections is respectfully requested.

CLAIMED REQUEST IS (1) A REQUEST OF THE CLIENT TO OPERATE (2) A PERIPHERAL APPARATUS

Amended claim 1 recites that a "a request of the operating client to operate the peripheral apparatus" triggers a response of sending from a server to the requesting client operating instructions for operating the peripheral apparatus. For support, see at least lines 19-29 on page 8 of the specification, which discuss sending the operating command list to the client in response to the client initiating or beginning an operation of the peripheral. The client in Nakayama requests the command list (callable X11 functions) as part of the process of the client starting the proxy server. The request 504 for the callable functions comes only one time and *before* the main processing 510.

Furthermore, the sending in Nakayama is not coupled to operation of a peripheral device. According to the Microsoft Computer Dictionary (4th ed.), "A peripheral device is a device, such

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as a disk drive, printer, modem, or joystick, that is connected to a computer and is controlled by the computer's microprocessor." In other words, a peripheral device or apparatus is not a computer per se (as a computer running an X11 server is), but rather is a device peripheral to a computer. Nakayama does not discuss a client request to operate a peripheral apparatus, or a corresponding command list sent by the server in response to the same.

CONVERTING BETWEEN DIFFERENT PROTOCOLS USED BY THE CLIENTS AND PERIPHERALS

New claims 12 and 14 recite an aspect of the present invention related to converting between different protocols used by the clients and peripherals. Nakayama uses only one protocol (the X Protocol). This feature is included in new independent claim 14 and new dependent claim 12. Nakayama cannot be modified to include this feature because, as a proxy server for enabling indirect X communication between the client and server, it is inherently necessary for the proxy server to communicate in only one protocol. If modified to use two different protocols, Nakayama would be rendered unfit for its purpose as a proxy server.

CLAIMS 13 AND 15: MULTIPLE CLIENTS ABLE TO USE SAME PRINTER

Claim 13 recites that "the server is adapted to facilitate shared operation of the peripheral device by multiple clients". See also claim 15. See at least Figure 2 for support. The recited server may function as a resource sharing server, for example by maintaining a print queue and enabling multiple clients to share the same peripheral's print queue. For example, in Figure 2, both clients are able to use both printers. Nakayama does not discuss the feature recited in claims 13 and 15.

NEW CLAIMS 14 AND 15

New claims 14 and 15 recite combinations of features not found in the prior art. For example, claim 14 recites "at a client, starting a print job for a network printer over a network by sending from the client over the network a request related to operating the network printer, where the request is *formatted according to a first protocol*; receiving the request at a server and in response sending to the client a command list specific to the network printer and for operating the network printer; ... *continuing the print job at the client by preparing a printer command based on the received command list and sending the printer command on the network*, where

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the printer command is *formatted according to the first protocol*; receiving the printer command at the server and in response sending the printer command to the network printer *in a format according to a second protocol*; receiving the printer command at the printer and operating according to the command and in response sending to the server indicia of ending the operating *formatted according to the second protocol*; and receiving the indicia at the server and sending the indicia to the client *formatted according to the first protocol*." This combination of features is not found in the prior art.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 2 recites "an instruction information obtaining part which obtains said instruction information from said apparatus to be operated when said instruction information storing part does not include said instruction information corresponding to said request". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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